

1                                   **WAGANAKISING ODAWAK STATUTE**  
2                                   **OFFICE OF CITIZENS LEGAL ASSISTANCE**  
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5   **SECTION I.               SHORT TITLE; PURPOSE**  
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7   **A.       SHORT TITLE**  
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9               This statute shall be entitled “The Office of Citizens Legal Assistance.”  
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11   **B.       PURPOSE**  
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13               The purpose of this statute is to establish the “Office of Citizens Legal Assistance”,  
14 hereinafter called the “Office”, in the Enjinaaknegeng (Legal Department). The Office shall  
15 assist Tribal Citizens with non-criminal legal issues. The Office shall maintain the attorney-  
16 client privilege relationship with respect to all communications between it and any Citizen it  
17 services. The Office cannot appear in court with a Tribal Citizen or assist with issues that  
18 involve the Tribe, but can assist with providing legal guidance and drafting of documents.  
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21   **SECTION II.           DEFINITIONS**  
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23   **A.       “Tribal Council”** means the legislative body created under Article VII of the Little  
24 Traverse Bay Bands of Odawa Indians Tribal Constitution.  
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26   **B.       “LTBB” or “Tribe”** means the Little Traverse Bay Bands of Odawa Indians or the  
27 Waganakising Odawa.  
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30   **SECTION III.          AUTHORITY AND DUTIES**  
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32   **A.**The Office of Citizens Legal Assistance is authorized to employ an attorney to provide  
33 Tribal Citizens the professional services of legal issues that are not criminal in nature or involve  
34 the Tribe, but can assist with providing legal guidance and drafting of documents, including, but  
35 not limited to, the following:  
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- 37               • Estate Planning - the drafting of Wills, Power of Attorneys, Medical Power of  
38 Attorneys and Trusts;  
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- Real Estate - assist with the purchase, sale, or transfer of real estate, including foreclosures or forfeitures;
- Landlord/Tenant - assist with evictions or any other issues with a landlord or tenant;
- Divorce/Custody/Support - assist a Tribal Member that is involved in a divorce, has issues with child custody, visitation, or child support;
- Probate of Estates - assist with probating a Will in state or tribal court;
- Criminal Matters – is limited to explaining the legal process;
- Civil Matters – is limited to giving legal advice if the Tribal Citizen is involved in a civil lawsuit, including accusations of abuse or neglect of a child against a parent;
- Paternity, DNA testing, Birth Certificates - can assist Tribal Citizens in establishing paternity, including the use of DNA testing, and making changes to birth certificates;
- Guardianships and Conservatorships - can assist in obtaining Guardianships and Conservatorships for minors or for persons who are unable to care for themselves;
- Driver's Licenses - can assist Tribal citizens who are trying to get their driver's license restored through the Secretary of State; and,
- General Legal Advice - can give general legal advice for any type of legal issue that a Tribal Citizen may have except for issues that involve the Tribe.

#### **SECTION IV. STAFFING**

**A.** Tribal Council is authorized to employ an attorney, support staff, and such other positions as may be necessary to carry out the purposes of the Office of Citizens of Legal Assistance at a negotiated salary and shall serve at the pleasure of the General Counsel. The attorney shall hold law degree to fulfill the purpose of the office.

1 **B.** All other personnel shall be hired and compensated pursuant to LTBB policies and  
2 procedures relative to qualifications, experience, Odawa preference, salaries, etc., and subject to  
3 workload requirements and appropriate constraints while answering to the General Counsel.  
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6 **SECTION V. SAVINGS CLAUSE**  
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8 In the event that any phrase, provision, part, paragraph, subsection or section of this  
9 statute is found by a court of competent jurisdiction to violate the Constitution, laws or  
10 ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part,  
11 paragraph, subsection or section shall be considered to stand alone and to be deleted from this  
12 statute., of entirety of the balance of the statute to remain in full and binding force and effect.  
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15 **SECTION VI. EFFECTIVE DATE**  
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17 Effective upon signature of the Executive or shall be deemed enacted if not expressly vetoed by  
18 the Executive within thirty (30) days of submission. The Tribal Council may, by an affirmative  
19 vote of seven (7) members of the Tribal Council, override a veto by the executive.  
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21 **CERTIFICATION**